

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

COMMONWEALTH OF PUERTO RICO and
the PUERTO RICO POLICE DEPARTMENT

Defendants

No. 3:12-cv-2039 (GAG)

INFORMATIVE MOTION

TO THE HONORABLE COURT:

COMES NOW, Colonel Clementina Vega Rosario, through her undersigned attorneys and very respectfully inform the following:

1. On November 30, 2017 Colonel Vega Rosario, Director of the Puerto Rico Police Bureau (“PRPB”) Reform Unit, filed a Motion for Order to Show Cause against PRPB and Puerto Rico Department of Public Safety’s (“DPS”) Secretary Pesquera alleging that she was removed from her position as Director of the PRPB Reform Unit in violation of the Agreement for the Sustainable Reform of the PRPB (“the Agreement”) and related Court’s Orders. Specifically, the Motion to Show Cause alleges that, contrary to the Agreement and PRPB regulations and policies, Secretary Pesquera ordered that the Bureau of Special Investigation handle the work place harassment complaint filed against her as if it were a criminal investigation, removed Colonel Vega from her position as Director of the Reform Unit and transferred her to the Ponce Area. ECF No. 648.

2. That same day this Honorable Court denied the motion to show cause, expressing that the Agreement does not permit third parties to seek any form of relief. ECF No. 649. However, although the Court denied a request for reconsideration, the Court decided to consider the information submitted by Colonel Vega as part of the compliance concerns raised by the USDOJ, and ordered the parties to submit simultaneous memoranda and/or stipulation on the matter. ECF No. 650.

3. Based on the above, on December 11, 2017 the parties filed a Joint Informative Motion and Stipulation in which the parties stipulated that the administrative complaint against Colonel Vega will be redirected for investigation to the Auxiliary Superintendence for Professional Responsibility (“SARP”) according to the applicable PRPB regulation (Regulation 8841). ECF No. 683. The parties also stipulated that any future deviation by PRPB from approved regulation in the handling of the administrative complaint against Colonel Vega will be notified to the USDOJ and the TCA.

4. In response to the above, on January 4, 2018 the administrative complaint against Colonel Vega was redirected to the SARP. In addition, on January 8, 2018, former Police Commissioner, Michelle M. Hernández de Fraley, reinstalled Colonel Vega to her position as Director of the PRPB Reform Unit and assigned her to an office space in the tenth floor of the PRPB’s General Headquarters as a precautionary measure to avoid contact between Colonel Vega and the complainant¹. The newly assigned office space was adequate and allowed Colonel Vega to fully execute her duties as Director of the Reform Unit, since it was located in the PRPB’s General Headquarters where the most important Police decision-making process takes place.

¹ The Reform Unit’s offices are located in the fourth floor of the PRPB’s General Headquarters.

5. Notwithstanding the above, on February 9, 2018, Colonel Vega was removed by Interim Police Commissioner, Henry Escalera Rivera, from her office in the tenth floor of the PRPB's General Headquarters and relocated to the Police Academy in the Municipality of Gurabo, where she was assigned to a very small office that does not have telephone line, resources, adequate equipment or supporting staff for her to adequately comply with her duties as Director of the Reform Unit. This action was taken without any reasonable explanation or legal justification whatsoever, thus having the potential of being an unlawful retaliation and discriminatory action.

6. The referred action against Colonel Vega, not only amounts to a potential retaliation and discriminatory action against her, but also could implicate a violation of the Agreement, specifically as to the adequate supervision of the Reform Unit and, thus, as to the proper implementation of the Agreement.

WHEREFORE, appearing Colonel Vega respectfully request that this Honorable Court take notice of the above due to its implication to the Agreement, the stipulation reached by the parties (ECF No. 683) and related Court's Order.

RESPECTFULLY SUBMITTED, in San Juan, P.R., this 21st day of February, 2018.

IT IS HEREBY CERTIFIED that, on this same date, the foregoing document has been electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

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s/José A. Andréu Fuentes

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